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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KOUNTA OUSMANE,

11 Petitioner,

12 v.

13 A. NEIL CLARK,

14 Respondent.

CASE NO. C09-1167JLR

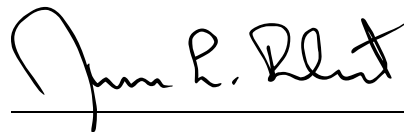
ORDER DENYING MOTIONS
FOR TEMPORARY
RESTRAINING ORDERS

15 Before the court are two motions for temporary restraining orders filed by
16 Petitioner Kounta Ousmane (Dkt. ## 19, 20). Also before the court is the Report and
17 Recommendation of the Honorable James P. Donohue recommending that Mr.
18 Ousmane's Petition for Writ of Habeas Corpus be denied (Dkt. # 18). Mr. Ousmane's
19 objections to the Report and Recommendation are due on January 4, 2010. At this time,
20 the court considers only the two motions for temporary restraining orders and will rule on
21 Judge Donohue's recommendation once it has received Mr. Ousmane's objections, if any,
22 to the recommendation.

1 Mr. Ousmane's first motion for temporary restraining order requests the court to
2 order the United States Immigration and Customs Enforcement ("ICE") to conduct a
3 DNA test to confirm Mr. Ousmane's true identity. (Dkt. # 19.) Mr. Ousmane's second
4 motion for temporary restraining order essentially requests the same relief: for the court
5 to order ICE to perform the DNA test or "any other such identity establishing test to solve
6 the identity problem." (Dkt. # 21.) Based on the evidence and arguments currently
7 before the court, Mr. Ousmane has not met the standards for issuing a temporary
8 restraining order or preliminary injunction. *See Winter v. Nat'l Res. Def. Council, Inc.*,
9 __ U.S. __, 129 S. Ct. 365, 374 (2008).

10 The issue of Mr. Ousmane's true identity is raised in his Petition for Habeas
11 Corpus and will be resolved pursuant to that statutory rubric. The court therefore
12 DENIES Mr. Ousmane's motions for temporary restraining orders (Dkt. ## 19, 20). The
13 court further directs the clerk not to docket motions for temporary restraining order or
14 other similar motions filed by Mr. Ousmane without Mr. Ousmane having first obtaining
15 leave of the court.

16 Dated this 29th day of December, 2009.

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19 JAMES L. ROBART
20 United States District Judge
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